



WILLIAM T FUJIOKA  
Chief Executive Officer

## County of Los Angeles CHIEF EXECUTIVE OFFICE

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October 16, 2007

The Honorable Board of Supervisors  
County of Los Angeles  
383 Kenneth Hahn Hall of Administration  
500 West Temple Street  
Los Angeles, CA 90012

Dear Supervisors:

**DEPARTMENT OF PUBLIC WORKS: AWARD OF PUBLIC WORKS  
CONSTRUCTION CONTRACT  
CHANNEL RIGHT OF WAY CLEARING, 2007, WEST MAINTENANCE AREA  
IN THE VICINITIES OF LOS ANGELES, BURBANK,  
GLENDALE, AND SANTA CLARITA  
(SUPERVISORIAL DISTRICTS 3 AND 5)  
(3 VOTES)**

**IT IS RECOMMENDED THAT YOUR BOARD:**

Award and authorize the Director of Public Works or his designee to prepare the construction and maintenance service contract in the form previously approved by County Counsel, execute the contract, and establish the effective date following receipt of approved Faithful Performance and Labor and Material bonds filed by the contractor for the following:

- Project ID No. FMD0001047 - Channel Right of Way Clearing, 2007, West Maintenance Area, clearing of vegetation and debris from the flood control channel right of way, vicinities of Los Angeles, Burbank, Glendale, and Santa Clarita (3 and 5), to Orozco Landscape & Tree Co., in the amount of \$559,000.00.

Board of Supervisors  
GLORIA MOLINA  
First District

YVONNE B. BURKE  
Second District

ZEV YAROSLAVSKY  
Third District

DON KNABE  
Fourth District

MICHAEL D. ANTONOVICH  
Fifth District

### **PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION**

The purpose of the recommended action is to obtain Board approval to award this construction and maintenance service contract and authorize the Director of Public Works or his designee to execute the contract and establish the effective contract date following receipt of approved bonds and insurance filed by the contractor for this project.

The attachment includes the project description, the call for bids and bid opening date, a tabulation of bids, and financial information. The certified record of receipt of bids and the original bid proposal are also attached.

The recommended construction and maintenance service contract is necessary to execute Board-directed and approved Department of Public Works project in support of operational missions. Your Board's approval of the recommended contract award and the subsequent execution of the contract will ensure the timely completion of the project.

### **Implementation of Strategic Plan Goals**

The Countywide Strategic Plan directs that we provide Service Excellence (Goal 1) and Community Services (Goal 6). Awarding this contract will provide improved infrastructure to better serve the public and will enhance the quality of life in the affected communities.

### **FISCAL IMPACT/FINANCING**

The recommended contract amount of \$559,000.00 will have no impact to the County General Fund.

The attachment includes the amount of the recommended contract as compared with the engineer's estimate and the other bids received.

This project is included in the Flood Control District Budget for Fiscal Year 2007-08. The attachment includes more detailed fiscal and financial information.

### **FACTS AND PROVISIONS/LEGAL REQUIREMENTS**

Recommended contract awards are to the lowest responsible bidders in accordance with the California Public Contract Code and your Board's directives.

On October 27, 1981, your Board adopted a program for the use of small Minority and Women-owned Businesses (MWBs) on Federal- and State-funded highway construction contracts. Companies meeting these requirements are certified by the State as Disadvantaged Business Enterprises (DBEs). Contracts are recommended for award to the lowest responsible bidder who meets the goal or documents a good faith effort to do so in conformance with the program.

The Department of Public Works has also developed an outreach program to encourage all qualified contractors to participate in the bidding and contracting process on their projects. Under this program, notices of upcoming bids are placed in local and minority newspapers throughout the County. These notices indicate that copies of plans and specifications are available at specified libraries and the Department of Public Works. This allows interested contractors to view the plans and specifications at convenient locations. They also provide telephone numbers (including one for Spanish-speaking contractors) to obtain further information on bidding and subcontracting opportunities.

To further increase contractor awareness of contracting opportunities with the Department of Public Works, each of these projects was listed on the County website for upcoming bids.

The State Labor Code requires contractors to pay prevailing wage rates to all persons employed on public works construction contracts. These rates are determined by the Department of Industrial Relations and include contributions for fringe benefits such as vacations, pension funds, training, and health plans for each employee.

As required by your Board, language has been incorporated into the project specifications stating that the contractor shall notify its employees, and shall require each subcontractor to notify its employees, that they may be eligible for the Federal Earned Income Credit under the Federal income tax laws.

The contract will be in the form previously approved by County Counsel. The Department of Public Works will also review and approve the faithful performance and payment bonds filed by the contractor.

#### **ENVIRONMENTAL DOCUMENTATION**

This project was found to be categorically exempt from the provisions of the California Environmental Quality Act at the time your Board called for bids. The specifics of these findings are included in the attachment.

### **CONTRACTING PROCESS**

The contract was solicited on an open competitive basis in accordance with the provisions of the Public Contract Code.

The project specifications contain provisions requiring the contractor to report solicitations of improper consideration by County employees and allowing the County to terminate the contract if it is found that the contractor offered or gave improper consideration to County employees.

The Department of Public Works has confirmed that the respective contractor is in compliance with the County's Child Support Compliance Program and the requirements of the Contractor Employee Jury Service Program. In addition, the contracts will include language requiring compliance with the Newborn Abandonment Law (Safely Surrendered Baby Law).

The project specifications also contain a provision that, should the contractor require additional or replacement personnel to fill employment openings, consideration shall be given to hiring qualified participants in the County's Greater Avenues for Independence or General Relief Opportunities for Work Programs.

To ensure that the contract is awarded to a responsible contractor with a satisfactory performance history, bidders are required to report False Claims Act violations, labor law/payroll violations, debarments, their civil litigation history, and information regarding prior criminal convictions. The information reported by the contractor was considered before making this recommendation to approve execution of the contract.

### **IMPACT ON CURRENT SERVICES (OR PROJECTS)**

This construction and maintenance service contract will result in improved public works infrastructure in the communities where the work is scheduled.

The Honorable Board of Supervisors  
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**CONCLUSION**

Please return one adopted copy of this letter to the Department of Public Works,  
Construction Division.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'WTF', followed by a stylized flourish.

WILLIAM T FUJIOKA  
Chief Executive Officer

WTF:DLW  
JTS:ss

Attachment

c: County Counsel  
Office of Affirmative Action Compliance

AWARD OF CONTRACT  
October 16, 2007

PROJECT ID NO. FMD0001047, CHANNEL RIGHT OF WAY CLEARING, 2007, WEST MAINTENANCE AREA (in the vicinities of Los Angeles, Burbank, Glendale, and Santa Clarita), Supervisorial Districts 3 and 5

TYPE OF WORK: Clearing of vegetation and debris from flood control channel right of way; channel-lining weep holes, joints, and cracks; and other appurtenant work.

CALL FOR BIDS: July 17, 2007 (Item No. 41)

BID OPENING: August 21, 2007

BID SUMMARY:

Low +*	J. Orozco Enterprises, Inc., a corporation dba Orozco Landscape & Tree Co. 1419 East End Avenue Pomona, California 91766 (909) 623-8287	\$559,000.00
2	Arborworks, Inc.	\$617,000.00
	+LSBE * MWBE	

TruGreen LandCare submitted a bid in the amount of \$584,257.00; however, they did not submit a bid bond. Therefore, their bid was considered nonresponsive and rejected as provided in the Instructions to Bidders.

International Environmental Corporation submitted a bid in the amount of \$509,370.00; however, they did not submit a complete bid. Therefore, their bid was considered nonresponsive and rejected as provided in the Instructions to Bidders.

FINANCIAL INFORMATION:

Amount of estimate	\$575,000.00
Amount of recommended contract	\$559,000.00
Amount of recommended contract below estimate	\$ 16,000.00

The amount of the recommended contract is 2.8 percent below the estimate.

Sufficient funds for this project are available in the Flood Control District Budget for Fiscal Year 2007-08

MINORITY/WOMEN-OWNED BUSINESS ENTERPRISE DATA:

Orozco Landscape & Tree Co., an MWBE, has no MWBE subcontractors/suppliers under this contract.

ENVIRONMENTAL IMPACT:

On July 17, 2007, Item No. 41, your Board found this project categorically exempt.

CONSTRUCTION SCHEDULE:

The contract specifications require the work to be completed in 75 working days. It is estimated the work will start in November 2007 and be completed in March 2008.

JAP:ss